

Assessing the Quality of Ethics Consultation Based on the Consultation Record: Four Key Elements

These four key elements are essential and must be documented for a quality ethics consultation:

1. Ethics Question. The ethics question(s) focuses the consultation response. Specifically, the consultation record:

- (1) clarifies the ethical concern(s) (uncertainty or conflict about values) that gave rise to the consultation request;
- (2) identifies whose values are uncertain or in conflict; and
- (3) identifies the decision(s) or action(s) in question.

2. Consultation-Specific Information. The consultation-specific information informs the ethical analysis. Specifically, the consultation record:

- (1) conveys the most important information about the medical and social facts, patient preferences, values and interests, and other parties' preferences, values and interests (i.e., relevant information that is necessary to inform the analysis and recommendations that answer the question); and
- (2) reflects appropriate sources and processes used to obtain relevant medical and social facts, patient preferences and/or other parties' preferences.

3. Ethical Analysis. The ethical analysis provides justification for the conclusions and/or recommendations. Specifically, the consultation record:

- (1) articulates valid and compelling arguments¹ and counterarguments based on the consultation-specific information (e.g., inclusion of different stakeholders' perspectives) and consultation-relevant ethics knowledge (e.g., ethical standards, empirical literature, precedent cases);
- (2) analyzes the ethical concern(s) (uncertainty or conflict about values) with focus (avoiding extraneous, distracting information) and depth (providing sufficient details as appropriate to the consultation); and
- (3) reflects appropriate weighing and balancing² of arguments and counterarguments.

4. Conclusions and/or Recommendations. The conclusions and/or recommendations promote ethical practices. Specifically, the consultation record:

- (1) identifies and explains the range of ethically justifiable options; and
- (2) makes practical conclusions and/or recommendations that are ethically justifiable and responsive to the ethics question(s).

¹ Valid and compelling arguments are those that are clear (understandable), normative, logical and credible. Arguments usually fall into three categories: credos or statements intended to guide ethical behavior, consequences, and comparisons. They are not counterfeit claims such as *ad populum* or *ad hominem* statements, inappropriate appeals to authority, false dichotomies, or confusion of the law with ethics. See Module 4 of *Ethics Consultation: Beyond the Basics* regarding counterfeit claims and Module 5 regarding strong arguments.

² Appropriate weighing and balancing of arguments is based on the relative strength of arguments on either side of a decision, not on the number of arguments.